

Remarks

Applicant's representatives again wish to express their appreciation to the Examiner for extending the courtesy of a telephone interview on June 23, 2009. The participants of the telephone interview were Examiner Shannon Brooks, Don Bulson and Tom Fistek of Renner, Otto, Boisselle and Sklar, LLP, Darren Lewis of D. Young and Co., and Rob Harding of assignee Intelprop Limited.

During the interview, the meaning of the term "mobile originated" (also referred to as "MO") was discussed. In the May 11, 2009 Office Action, the Examiner applied an expansive meaning to the term "mobile originated." In the May 11, 2009 Office Action, the Examiner states:

It has been shown that mobile originations messages and mobile termination messages are taught in the Bennett reference. If the Applicant intends to differentiate between the mobile originations messages and mobile terminations messages of Bennett and the mobile originations messages and mobile terminations messages of the present application, then such differences should be made explicit in the claims.

May 11, 2009 Office Action at 2-3.

Applicant, however, has provided in the specification (see page 2 of the Reply to Office Action Dated October 24, 2009) a definition of the term "mobile originated" (*i.e.*, "MO"), as follows:

Accordingly, an MO message is a message originating from a mobile station sent in accordance with the Mobile Application Protocol (MAP) and which has not previously passed through an SMSC providing a store-and-forward function for the telecommunications network whereas an MT message is a message that has been converted from an MO message by the SMSC to a mobile terminated format.

During the interview, the Examiner acknowledged that Applicant has indeed defined the term mobile originated in the specification and further acknowledged that he necessarily is bound by that definition.

Consequently, the Examiner agreed with Applicant's representatives that the rejections set forth in the final Office Action can no longer be maintained. Accordingly, the Examiner indicated that upon submission of this reply the rejections would be reconsidered in light of the definition of mobile originated provided in the specification.

It also was noted during the interview that the primary reference, Bennett, uses the terms MO (and MT) in the conventional sense and consistent with the definition provided in the current application. Paragraph [0066] of Bennett summarizes three "points of entry" to the mobile network. The three points of entry are described as being through the internet via a PC or a mobile browser (WEB and WAP access) or through a MO device. Paragraph [0058] of Bennett makes clear the WEB and WAP users (12 and 14 in Figure 1) use HTTP and/or WML protocols. MO messages by definition, however, only use MAP protocols. Thus, user 16 of Figure 1 is the only user sending MO messages.

User 16 also is the only user identified in the caption of Figure 1 as using MO ("MO SMS Phone to SMS Phone"), and the messages from user 16 are the only messages sent via the SMSC 26c. Paragraph [0054] of Bennett explains that messages may (*i.e.*, not always) be in MO format, and that routing of MO messages is via the device's home SMSC or originating SMSC (*i.e.*, SMSC 26c in Figure 1). From this, it is clear that user 16 of Figure 1 is the only user sending MO messages.

The use of the term MO in Bennett, therefore, is fully in line with Applicant's definition that MO messages are messages from a user to his SMSC. Thus, it is clear that Bennett uses the term MO in a manner that is consistent with that provided in the specification.

Applicant respectfully requests reconsideration of the rejection of the claims under 35 U.S.C. 103 in light of the above comments and applying the definition of the term mobile originated provided in the specification.

As a housekeeping matter, it is noted that claim 21 was amended in the Reply to the Office Dated April 3, 2007 to specify supporting execution of one or more messaging applications, wherein an application may be executed for each of any or all messages "received in mobile originated format." It was discovered that in the last two replies, the added language had inadvertently been omitted from claim 21. In the above listing of the claims, previously amended claim 21 is correctly reproduced.

In view of the foregoing, request is made for timely issuance of a notice of allowance.

Respectfully submitted,

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